The opinion in support of the decision being entered today was <u>not</u> written for publication in a law journal and is <u>not</u> binding precedent of the Board.

Paper No. 24

## UNITED STATES PATENT AND TRADEMARK OFFICE

## BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte YI HU, JAMES A. KIEKE, ANDREW OLSON, and C. ALEXANDER TURNER, JR.

> Appeal No. 2005-0598 Application 09/854,844

MAILED

MAY 1 1 2005

U.S. PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

## ORDER DISMISSING APPEAL

Before HARKCOM, Acting Chief Administrative Patent Judge, WILLIAM F. SMITH and GRIMES, Administrative Patent Judges.

## Per curiam.

Appellants were given a period of one month to respond to the "ORDER UNDER 37 CFR § 41.50(d)" mailed on March 31, 2005. In a communication received May 2, 2005, appellants stated that they were "withdraw[ing] the present appeal . . . without prejudice and without disclaimer in order to pursue claims in a continuing application."

Since appellants have withdrawn the appeal, the case is dismissed.

The application is being returned to the examiner for further action as may be appropriate.

Gary V. Harkcom, Acting Chief Administrative Patent Judge

William F. Smith
Administrative Patent Judge

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Eric Grimes

Administrative Patent Judge

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**APPEALS AND** 

**INTERFERENCES** 

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